

REMARKS

This paper is a supplemental reply in response to an Office communication mailed 11/02/2006.

An RCE and amendment were previously filed on August 22, 2006, in response to an Office action mailed 5/22/2006. A supplemental amendment correcting an editing error was filed on August 23, 2006. The Office communication of 11/02/2006 indicated that these submissions were not fully responsive to the prior Office action.

By this paper, claims 1 and 4 have been further amended. The claim amendments are made with respect to the previous claims as submitted on August 23, 2006. Claims 2, 3 and 5-10 were previously canceled. No new matter has been added. Claims 1 and 4 are pending.

The remarks and arguments below are addressed to the Office action of 05/22/2006.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 1 and 4 have been amended and claims 2, 3 and 5-10 have been canceled, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 1 and 4 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

Interview Summary

A telephone interview was held between Examiner Pia Tibbits and the undersigned on November 14. The proposed claims, as amended above, were provided to the Examiner informally. Agreement was reached that the proposed claims are drawn to the same subject matter as the claims previously examined, and thus responsive to the previous Office action.

Specification Objections

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter: “serial-parallel converting data”, “parallel-serial converting data”, “data received from the outside”, etc. As amended, claims 1 and 4 do not recite “serial-parallel converting data”, “parallel-serial converting data”, or “data received from the outside”. Therefore, the objection has been overcome.

Claim Rejections - 35 USC § 112

The Examiner rejected claims 1-9 under 35 USC § 112, second paragraph as failing to comply with the written description requirement and required the claims to be revised.

The Examiner asserted that the claimed “serial-parallel converting data” and “parallel-serial converting data” are not described in the specification. As amended, neither claim 1 nor claim 4 recite the “serial-parallel converting data” and “parallel-serial converting data”. Therefore, the rejection has been overcome.

Support for amended claim 1 is found at least in paragraphs 0029 and 0034 of the application as published.

Claim Rejections - 35 USC § 102

The Examiner rejected claim 1 under 35 USC § 102(b) as anticipated by Brotto et al. (USP. 6,218,806). This rejection is respectfully traversed.

The fundamental principle of anticipation under 35 USC § 102 is stated in section 2131 of the MPEP, as follows:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The rejection of claim 1 is traversed on the grounds that Brotto fails to describe the limitation “a storage section in which information for identifying a device able to use the battery is stored.” In addition, Brotto fails to disclose the limitation “wherein the information for identifying a device able to use the battery is stored in the storage section of the battery at the time of shipment from a manufacturer.”

Brotto discloses a battery comprising a memory in which information related to the battery is stored. The battery 30 of Brotto, as illustrated in Brotto’s Fig. 2, comprises a controller 31 and a memory 33, where the memory 33 stores information related to the battery 30. The controller 31 sends the information stored in the memory 33 to an external reader 50 through a battery contact 13. The information that may be stored in the memory 33, as defined in claim 18, is “at least one of ... battery type, battery capacity, charging process, initial temperature, and connection time.” Brotto does not expressly or inherently describe that the battery stores “information for identifying a device able to use the battery” as described in claim 1.

Brotto describes that the battery may comprise an identifier such that a charger can identify the battery (see Brotto, 2:23-25). With the possible exception of the identifier, there is no express or inherent description that any information is stored in the battery at the time of shipment from a manufacturer. On the contrary, most of the information stored in Brotto is “product use” information that could only be stored subsequent to the start of using the battery (see Brotto, 1:12-15, 1:32-33).

It is respectfully submitted that Brotto does not anticipate the limitations of claim 1. Thus claim 1 and depending claim 4 are allowable. It is requested that the rejection be withdrawn.

Conclusion

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: November 22, 2006


A handwritten signature in dark ink, appearing to read "John E. Gunther", is written over a horizontal line.

John E. Gunther, 43,649

SoCal IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
Telephone: 805/230-1350
Facsimile: 805/230-1355
email: info@socalip.com